

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION

KENNETH GRAHAM and  
MARTHA GRAHAM

PLAINTIFFS

V.

NO. 3:21-cv-00190-GHD-JMV

WINNEBAGO INDUSTRIES, INC. and  
SOUTHAVEN R.V. CENTER INC.

DEFENDANTS

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION  
FOR SUMMARY JUDGMENT**

Pursuant to an opinion issued this day, it is hereby ORDERED that:

- (1) The Defendants' motion for summary judgment [Doc. No. 40] is GRANTED IN PART AND DENIED IN PART;
- (2) the motion is GRANTED with respect to the Plaintiffs' claim for breach of express warranty (Count One of the Complaint) and that claim is DISMISSED WITH PREJUDICE;
- (3) the motion is DENIED in all other respects; the Plaintiffs' claims for breach of implied warranties (Count Two), for Revocation of Acceptance (Count Three), and for violation of the Magnuson-Moss Warranty Act (Count Four) shall PROCEED.

All memoranda, depositions, declarations, and other materials considered by the Court in ruling on this motion are hereby incorporated into and made a part of the record in this action.

SO ORDERED, this, the 20<sup>th</sup> day of March, 2023.

  
SENIOR U.S. DISTRICT JUDGE